



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Dr. Juliet Berling

STAFF REPORT

Date: June 29, 2015
Subject: 1 Pleasant Avenue; Area Variance
Applicant: Charles and Janet Bell
Tax ID #: 144.66-1-13
Case: 2015-13

A. SUMMARY:

The applicant seeks an Area Variance for minimum side and backyard setbacks required for a garage in the R-3, Multi-Unit Dwelling District. The proposed side yard setback would be 2 ft. and the backyard setback would be 1 ft where a 5 ft setback is required.

	Proposed Setback	Required Setback	Variance
Side Yard	2	5	3
Backyard	1	5	4

** All measurements in ft*

The subject parcel is located on the corner of Pleasant Avenue and Pleasant Street. It is approximately 4,200 sq ft and is occupied by a two-story residential structure. Land use in the vicinity is predominantly multi-unit residential and commercial. The site is located near Binghamton Plaza and Cheri A. Lindsey Park.

No further reviews are needed for this project.

F. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

11 Morgan Street - Approved

In January of 1979, Morgan and Ives Mattress Factory requested a use variance to establish a storage building. The variance was granted.

4 Munsell Street - Approved

In May of 1993, Metro Interfaith requested area variances for parking and setback requirements. The variances were granted.

6 Munsell Street - Denied

In July of 1976, James Webber requested a use variance to convert a two-family house into a six-family house. The variance was denied.

33 West State Street – Approved

In January of 1989, K-mart requested area variances in order to locate a satellite receiver in the side yard and to have more than one satellite receiver per lot. The variances were granted.

E. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **UNLISTED** Action. The Planning Commission may be the lead agency to determine any environmental significance.

Motion to determine what type of action:

- a. Type I
- b. Type II
- c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance. (See EAS Part 2 & Part 3)

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
Will the proposed action result in a change in the use or intensity of use of land?	X	
Will the proposed action impair the character or quality of the existing community?	X	

Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?	X	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	X	
Will the proposed action create a hazard to environmental resources or human health?	X	

F. STAFF FINDINGS

Planning Staff has the following findings:

- (1) It should be noted that the request is not substantial in nature. The applicant requests a 3' relief for the side yard setback and a 4' relief for the backyard setback. Staff believes that the requested variance would **NOT** produce an undesirable change in the character of the neighborhood.
- (2) The hardship was not self created and staff sees no other reasonable alternative. The parcels in the immediate neighborhood are relatively small in size and it is difficult to accommodate accessory structures on site.

H. ENCLOSURES

Enclosed are copies of the site plan, the application and site photos.